# National Anti-Slavery Standard.

Without Concealment....Without Compromise.

EDMUND QUINCY,
JAMES RUSSELL LOWELL, } Corresponding Editors.

VOL. XI....NO. 14. NEW-YORK, THURSDAY, AUGUST 29, 1850. WHOLE NO. 534.

Published Weekly,
AT THE
AMERICAN ANTI-SLAVERY SOCIETY,
AT 142 NASSAU STREET, NEW YORK.

TERMS:
TWO DOLLARS PER ANNUM.

☞ All communications for the paper, and letters relating to its pecuniary concerns, should be addressed to S. H. Gay, New York.

☞ Donations to the Treasury of the American Anti-Slavery Society may be remitted to Francis Jackson, Treasurer, at Boston; or S. H. Gay, New York.

*Norris & Brother, Printers*


## Selections.

### SPEECH OF MR. GIDDINGS,
UPON THE
TEXAS BILL AND THE PRESIDENT'S MESSAGE.
*August 12th, 1850.*

Mr. GIDDINGS having obtained the floor, said it had been his intention not to intrude upon the time or attention of the House of the committee again at this session, but some late developments had undoubted him to call attention to one or two points which he deemed important. I shall (continued Mr. G.) speak of the bill now on the table for fixing the boundaries of Texas, and of the message of the President on that subject.

After close and earnest discussion, the Senate have defeated the omnibus bill, to the great joy of the people of the North generally, and to the satisfaction of a portion of the South. The whole press is rejoicing over this triumph of right over injustice; another bill, more exceptionable in at least some of its important features, has been passed by that body, and is now on your table. Senators who voted to strike from the omnibus bill the provisions contained in the one before us, turned around suddenly and voted for the very identical principles which they then denounced. It is now before us, and I am told it is to pass this body by Wednesday. On this point I hope I may find the rumor unfounded and that I am mistaken. I am unalterably opposed to this bill, for the reason that it appropriates forty thousand square miles of territory belonging to New Mexico, and lying within her ancient boundaries. A majority of members in the Senate, by which I in part have the honor to represent, is taken from New Mexico and delivered over to Texas.—This brings us to a new examination of the boundaries between New Mexico and Texas. In relation to this point there are historical facts which appear to have escaped the notice of gentlemen during the discussion of this session.

Formerly Coahuila and Texas were connected for legislative purposes. While thus connected, they appointed commissioners to run the boundary between them. General Almonte, the former Minister from Mexico to this Government, I think, was one of the commissioners. Texas give name, although I once made a pretty thorough investigation of this subject. The line agreed upon by the commissioners commenced at the mouth of the Aranasa, and not at the mouth of the Nueces, as is generally stated. The Aranasa lies some thirty miles north of the Nueces. The line agreed upon followed up that stream to its source; thence in a direct line to the confluence of the San Antonio and the Colorado; thence up the San Antonio to its source; thence west to the line of New Mexico.—This line lies on the one hundredth degree of west longitude from Greenwich. This is the whatever Texas possesses west of this line, she must look for her purchase or by conquest. So far, therefore, as her legitimate connection is located in what is called the county of San Patricio, and properly belong to Texas. Beyond this, however, Texas had never exercised any acts of jurisdiction. She never secured a process, or held a single judicial tribunal in Texas laws, until General Taylor marched his army to Point Isabel.

Mr. Howard. Mr. Giddings yieldiey the floor) said that Texas had made surveys within twenty miles of Point Isabel before General Taylor marched from "Corpus Christi. The district judge of Texas had charged the grand jury that Texas extended to Rio Grande and held jurisdiction to that river.

Mr. Giddings inquired if the Texas officer had ever made an arrest or served process within fifty miles of Point Isabel?

Mr. Howard admitted they had not.

Mr. Giddings resumed. The mere assertion of a right by the Legislature of Texas, or by one of her judges, could not be regarded as any evidence of title. There must be some act, some settlement, to constitute a claim. Now, up to the day that General Taylor reached Point Isabel, we—the citizens of the United States—had paid duties to the Mexican custom-house at that place; and the exercise of Mexican laws had never been suspended or interrupted here until General Taylor's arrival. Now, sir, south of New Mexico lay Coahuila, and south of Coahuila was the State of Tamaulipas, which extended to the Gulf of Mexico.

Mr. Howard, (interposing.) Chihuahua lies south of New Mexico.

Mr. Giddings. Some maps lay it down as extending on this side of the river—others do not; but it is a matter of entire indifference so far as relates to my present argument. Texas had claimed, by ordinance, to constitute a claim. Now, up to the day that General Taylor reached Point Isabel, we—the citizens of the United States—had paid duties to the Mexican custom-house at that place; and the exercise of Mexican laws had never been suspended or interrupted here until General Taylor's arrival. Now, sir, south of New Mexico lay Coahuila, and south of Coahuila was the State of Tamaulipas, which extended to the Gulf of Mexico.

Mr. Howard, (interposing.) Chihuahua lies south of New Mexico.

Mr. Giddings. Some maps lay it down as extending on this side of the river—others do not; but it is a matter of entire indifference so far as relates to my present argument. Texas had declared

promotion of his happiness. But as many individuals are incapable of protecting themselves in the exercise of all those rights against all other persons communities are formed and governments established. Our theory is, that "governments are established for the benefit of the governed." This, I believe, is correct and should be carried into practice How, I may be asked, can it be accomplished? I answer, by bringing the government to its legitimate and originally intended functions and objects. By securing to the people collectively and individually, in every part of the country, the advantages and protection for which they can legitimately look to this government. To secure this, have as few officers as possible—let all the functions of the Government be simple, and intended alone to accomplish the purposes for which it was designed—calling upon the people for the same amount or proportion of the fruits of their toil, by the judicious and economical expenditure of which the Government could be made to subserve all these and its blessings and advantages extended to and enjoyed as equally as possible by all.

Some of the gentlemen upon this floor, it seems to me, have their entire sympathies enlisted in behalf of the African slaves in the southern States of this Union, and all their energies are exerted to the amelioration of their condition. Why is this, and what is Slavery? Slavery, as I understand it, is that condition in which an individual is subject to the will of another, in which condition he cannot appropropriate the products of his labor to his wants and comforts, but the individual in whose will he is subjected, controls not only his personal actions and gives direction to his employments, but also exercises unlimited control over all the earnings and products of his labor—allowing as much only as he thinks proper to the wants and necessities of the individual over whom he has this control; the balance, it say, he appropriates to his own wants and comforts, and not unfrequently to extravagant indulgences and excesses. This, sir, I understand to be Slavery; and every individual who is not subjected to that condition, in proportion to the amount of his labor which is required and taken from him, with his consent, if you please, to minister to the wants, comforts, and excesses of others. Man, by the labor of his hands, can produce or make but little beyond his continually-recurring wants and, when an individual is seen possessed of great wealth, enjoying not only all the necessaries of life, but all the luxuries that idleness and the ability to command can conceive, it may be put down as a fixed fact, that so great wealth was not the produce of the labor of the hands of its possessor, nor of any other one individual, but was and is the aggregate earnings, perhaps of thousands of honest, industrious good citizens, gathered and accumulated by the wiles, the arts the will and superior sagacity of some successful trader or speculator; or perhaps by some fortuitous circumstances or special good luck; and not unfrequently by the legislation of the Government, by conferring special privileges or giving fat jobs and good contracts.

There are two classes of persons in the United States—the tax-payers and the tax-consumers. The former class is much the larger in numbers. It we could have exactly the right number of officers to fill and pay them precisely a just compensation for their services, perhaps there would be no conflict of interest between the two; but that would make a great difference in the amount annually drawn from the tax-payers to support the tax-consumers.

What, let us inquire is the probable annual average profits of the laboring men of the United States. I have no data upon which I can rely with certainty. But I will suppose that the average annual profits of each laborer in the United States, after supporting himself, to be one *hundred dollars*; and this, I feel confident, is an extravagant estimate, far above what is really the case as an average But I desire to be above rather than below the true estimate. Then suppose there are four millions of laboring men in the United States,—to say nothing of women and children; the aggregate annual products of their united labors, over and above their own support, would be, upon the basis I have assumed of $100 to each man, $400,000,000. I have shown that the Government requires over $52 000,000 from the people to carry on its operations for the present year: this is over one-eighth of the entire aggregate earnings of these four millions of laboring men for the same period, and would require every cent of the surplus earnings over their support or five hundred and twenty thousand of these laborers. Now suppose that, instead of the four millions of laborers there were but five hundred and twenty thousand, and precise number of officers necessary to collect the revenue and disburse it, and the Government should require that amount of those five hundred and twenty thousand laborers and tax-payers I submit to every man of good, plain, solid, practical common sense, if, under such circumstances, the five hundred and twenty thousand laborers would not be as fully and as completely the slaves of the Government, its employees, the tax-consumers, as the negroes on the plantations of the South are the slaves of their masters This is so plain that the position cannot be successfully controverted. This position being, then, established, although there are no specific five hundred and twenty thousand of these four millions of laborers and products set apart and designated as the individuals from whom this fifty-two millions of dollars is drawn, to be consumed by the Government, does not alter the fact that, to that extent and in the proportion of five hundred and twenty thousand to four millions, they are slaves to the Government. In other words, that one eighth part of the annual earnings of each one of these four millions, over his bare subsistence, is drawn from him for the support of the Government. It follows, of course, that if the whole number of the four millions of tax-payers is made, by the operation of its Government, completely and absolute ly a slave, it is equally clear, that each one of the four millions of tax-payers is one eighth a slave, or in exactly the proportion of the portion of his earnings above his support which his government requires him to contribute to its support. If I am correct in this, it does seem to me that gentlemen on all sides of this House might find ample fields for the display of their philanthropy in ameliorating the condition of their own race and kindred, their brothers, friends, and fellow-citizens for whose benefit alone this Government was established, and for whose benefit only it should be administered in perpetuity. How, I may be asked, can this be done? By reforming the Government in the reduction of taxes; by reducing the amount required by the Government; by abandoning the impolitic, extravagant, and unconstitutional system of ocean steam mail service, by which the Government is constantly running in a great degree to break down all competition, and monopolizing the carrying trade upon the high seas in the hands of a few individuals, favored contractors of the Government; by reducing your military establishment to what it should be in time of peace, instructed by the fact that our experience in the late contest with Mexico, that even in time of war the chief reliance of the Government must be upon the citizen soldiery, and by economy by reducing your navy to the actual wants, and necessities of the country,—if the knife could be applied to this branch of the public service by a judicious hand, it could as I confidently believe, be reduced without prejudice to the country, or any one of its great interests, from the annual cost of over eleven millions of dollars now required for its support to less than half that sum. And by all means there should be rigid and thorough reform and reduction in almost all the branches of the civil department, commencing right here in this body, composed of the people's chosen Representatives, and in the other end of the Capitol, where there are so flagrant abuses and so wasteful expenditures of the public money, under the head of the "contingent fund" of the respective departments, as to shock me. I will give one instance: the contingent fund of the Senate, appropriated for the present session, is $288,000 and that for the House of Representatives the moderate sum of $311,999, and making, together, $599,999—something like three times as great as the entire cost of the civil Government of Tennessee, including her Executive, Legislature and Judiciary. Your salaries should be equalized—not upon the principle that you have found almost universal favor with Congress, that of increasing the salary of some favorite upon the plausible pretext of long experience, unequalled in qualifications, sincere devotion to the public interest, and unrivalled discharge of his duties; and not unfrequently the more powerful appeal is made of a large and dependent family, —still growing. The efforts of friends to increase the salary of a favorite, based upon such arguments and considerations, seldom fail of success. The proper ones accomplished, it is then urg d, with equal zeal that the salaries of those who occupy similar positions should be made equal by increasing them to the same amount. The magnanimity and sense of justice of members are appealed to, and the great principle of equality urged; the thing is done—the end attained, by levelling up. In the whole course of my seven years' experience in this House, I have no recollection of an instance in which salaries have been equalized, by levying down the one or two thousand to the standard upon which this equals stand. This is a system by the operation of which the tax-payers suffer, and the tax consumers are invariably benefitted.

But that is not the kind of equalization which I advocate. I think that the several State Legislatures are the best judges of the services of congressmen which should be paid to the various public officers, within their respective limits. I would take their action as a standard, and I am blindly willing to leave it. I would, however, assimilate the salaries of persons of whom similar services in the several States are required, as sound discretion and experience would seem to dictate. I would among those who are already in the salaries or State and of the United States officers of almost every description. I would reduce to see them more nearly approximate equality by the downward leveling policy. It would have a salutary influence upon your country and its institutions. Many of those who now seek employ under the United States, because of the greater amount of compensation to be received, would, from the altered state of things, prefer to take office under their State, where they could live at home and among those they loved and appreciated. States rights, and through the States the rights of the citizen would be more closely watched and rigidly contended for by the people as the General Government, and its encroachments upon and assumption of the reserved rights of the States and to the people would be more vigilantly guarded against and energetically resisted than at present. The great Federal camels would be compelled to pass the eye of the needle prepared and laid for her by the people and by the States in 1787. Surely "a consummation most devoutly to be wished." There are many other ways in which, in my opinion, the expenses of the Government can be greatly reduced in the civil department, without detriment to the public interests.

I will now return to the consideration of the laboring producer; and before I proceed to the task of pointing out instances, to show how many of them are required to toil continually to contribute the aggregate amount of the various salaries paid by the Government employes. For instance, the salary of the President is twenty-five thousand dollars. This supposes that each producer can earn one hundred dollars a year more than is required to support him, it will require every one of twenty-five hundred laboring men, each of these laboring men, these producers, these tax-payers, who are, according to our theory, the real sovereigns of the country, to contribute the salary of one. Thus are two hundred and fifty freemen of American soil slaves to the President, or, in that proportion of the productive industry of the country.

Take the case of a head of one of the Executive Departments, the same will apply to those under him, and upon the same basis, sixty laboring men of the country are made to slaves by operation of law. And in the support of the Chief Executive of those sixty three thousand dollars, the entire clear earnings of thirty good men are required. The same general rule will apply through all the branches of the public service. A chief clerk, with a salary of two thousand dollars, requires of the original producers of twenty citizens. The clerk with a salary of one thousand dollars only, requires what is equal the clear annual profits upon the labor of ten men. And, sir, two men, an annual pay of three hundred and sixty-five dollars each, are required by the daily mail passed by present session, to load in the sands, and watch the great mail in the public grounds around this Capitol, are to have out of the public Treasury what is equivalent to the clear earnings of more than seven men, who are certainly as good by nature, and far better by practice, I am certain will not be denied. The pay of Representatives and Senators is eight dollars each per day, and eight dollars for every twenty miles, by the usually travelled route, in going to and returning from the seat of Government. The present session to end including the month of August, will be over half gone, by the time I am now upon my days, and the pay of each member for the session to that time will be two thousand one hundred and seventy eight dollars, from which deduction is required that each member of Congress, while the body remains in session, is appropriating to himself the aggregate clear earnings of the labor of twenty-five or more fellow citizens, exclusive of what he receives for mileage, which in a majority of cases exceeds the per diem pay of the member. This, it seems to me, should prevent and every one of us to devote ourselves diligently to the discharge of the important duties, upon the faithful one of which many think depends the weal or woe of this great family-Republic.

I could multiply instances from the Army and Navy, to prove the positions I have taken, but I will not. It is only necessary to be satisfied that the amount of the productive industry of the country it takes to keep in the public service a public officer or to defray the cost of any branch of the public service to ascertain what the salary of such officer, or what is the amount of expenditure to the Government of the several items, and apply the rule, and the thing will ascertain itself. I do not pretend that the position which I have assumed can be verified with mathematical precision, but it is upon upon which may be ascertained how and by what means the Government is drawing from the productive resources are drawn; that the whole superstructure is reared upon and supported by the industry and labor of the country, and to warn those whose interest it is, that the Government should be administered for the less expensive purposes, and upon the most economical principles, in order to have all the protection and advantages, designed by the Government, secured in full and uninjured force; to be on their guard, and prevent the conduct of their poolie servants, and hold them to strict accountability for the faithful discharge of their duties, and keep within proper bounds the taxing power and all will be well. Insure economy, prevent the collection of more than is required for the honest and economic wants of the Government, and there will be no cause of complaint from the tax-paying people.

Mr. Chairman, if my memory serves me aright, I think it was remarked in the course of debate upon one of the appropriation bills at the present session, by the gentleman from Louisiana, [Mr. Morse] that it appeared to him that I voted upon every appropriation, exactly as if the money that it was to be paid out of was my own. In this was slightly mistaken. The money in my pocket is my own, and for its use or misuse I am alone responsible to a solitary human being. I am so unfortunate as not yet to have a better half to whom to account for my expenditures, but I am, sir, responsible to my constituents to the people. I am the representative of a portion of that people. They have confidence in me, or they never would have placed me where I am. They would also be evidences of that confidence and their kindness to require of me none but honest. My conduct, as has been, to serve the people, honestly, faithfully, and to act in accordance with their will and interest. I am with them and of them; I am identified with the mass of the people where my lot had been cast, where I was obscured by that great mass, of which I was but a constituent house, and invested me with the confidence and the right to represent them in the State Legislature, and afterwards in this Body. For these reasons I have always perceived the least statement in the ardor in manifesting their continued confidence in me at each succeeding election. And should the people see proper to withdraw their confidence and support shall be withdrawn from me, I shall bow to that judgment with as much respect as I have on former occasions of the kind, and go forward to some oft-repeated plaudits, of well done thou good and faithful servant. But I am digressing from such inquirement, if ever given, will be the result of honest convictions that their interest and the public good imperiously demand it. Then, sir, I am responsible to my people for the manner in which I vote away their money, and that responsibility, I trust, will ever be sensibly felt, and will cause a scrupulous regard for the rights of my constituents, that I am more careful and guarded in the expenditure of their money than I am in regard to my own, and shall ever be. I did not allude to the remarks of the gentleman from Louisiana, for the purpose of making personal explanations, but to return to the gentleman my thanks for the very high (though perhaps not intended, compliment which he paid me.

Mr. Chairman, I am for economy, and for the rules of the House has not expired, I hope the committee will pardon me for introducing a few remarks upon the great questions of the session, and of the day upon the state my position than to make an argument to sustain it. The question of Slavery connected with the U. S. beginning of the twenty-eighth Congress. At the first session of which, it will be remembered by Mr. Calhoun, the Senator of States, moved for the joint resolution of the then Republic of Texas, was rejected by the House of Representatives, and negatived by a majority of more than I did. The proposition to annex Texas to the United States had my entire approbation, and received my cordial support. I supposed that it was but that to a great extent, a Southern Democratic measure, it had to encounter not only the united and powerful opposition of the entire Whig party, but also that of a large portion of the Northern Democracy, and a few of the Southern Whigs—eight, I believe, in this House, and two in the Senate Without the votes of our Northern Democratic friends, we never could have brought that magnificent country into this Union. If they had, each for himself, or in the aggregate, contended for certain restrictions and sectional advantages, they could have defeated Texas annexation. But they did not; and at the next succeeding session of Congress, Texas was admitted into the Union on an equal footing with the original States of the Confederacy in all respects whatever.

The consummation has been accomplished, and the faith of this great Government, for admission into the Union. was pledged, every Whig in both branches of Congress, from the free States, with one solitary exception, voted against her admission. Before the close of the session, the Mexican war was brought on by the war with Mexico, in consequence of the Mexican army crossing the Rio Grande, as I believe, as the Democrats claim, and not upon the Nueces, as Whigs declared by their votes for Mr. Crittenden's amendment to the war bill. May 12, 1846, invading the territory of the United States and shedding American blood upon American soil. The war was prosecuted successfully by our arms, and terminated by the treaty of peace with Mexico. By the treaty, under the stipulations of which the war was terminated, the United States acquired from Mexico a large portion of territory, fronting some of the ports of Louisiana on the Pacific ocean. It was necessary that these newly acquired territories should have governments of some sort for those who inhabited them. The only difficulty in providing for them such governments, arose from the fact, that in the Southern States of the Union, African Slavery existed. The people of the Northern States, where this institution had been long since abolished, were opposed to it, and were many, in fact most of them, opposed to the extension of Slavery, or that institution in any part of these territories. The Democratic party, as a party, generally, planted themselves upon the position that the people of these territories had the right to do as a matter one way or the other; that the doctrine of non intervention with regard to Slavery in the territories was the true one, and that the people of the South and the North could meet and stand together upon this platform, and settle the question of non-existence of Slavery therein to be settled by the people that should inhabit the country. It then understood it and now understand it to have been the Mexicans and Indians there—but the American citizens, occupying the country as a territory, or when they should come to form State governments, as the Constitution should settle this question of Slavery, and all other questions of domestic policy, for themselves, just as all other American citizens do, and have an inalienable right to do. Upon the principle of non-intervention by the people of the States, or Congress, with governments for those countries immediately after their acquisition. In order to effect that object, a committee was appointed by the Senate which reported the whole subject. On the 18th day of July, 1848, that committee, [Mr. Clayton, chairman] reported to the Senate "A bill to establish the territorial governments of Oregon, California, and New Mexico," known as the Clayton compromise bill. This section of that bill was amended so as to read as follows:

"That the Constitution and laws in force in the Territory of Oregon, shall continue in force until a territorial government is established by the people thereof, shall continue in the valid and operative force in the State to be formed by the people, together with the Constitution and the provisions of that, for the admission of the State into the Union; and the Legislature in said Territory, subject, nevertheless, to the power of Congress to alter, or repeal by the Legislative Assembly of the said Territory of Oregon, all laws of said Territory which may be in force when the said State shall be admitted into the Union."

One provision of the laws of the "provisional government established by the people" of Oregon, which was proposed to be reenacted and continued to these people, was a prohibition of Slavery in the territorial legislature thereof, sewin the following words:—"There shall be neither Slavery nor involuntary servitude in said Territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted." This was a full, ample, and unequivocal recognition and affirmation of the principle of the right of the people of non-intervention on the part of Congress and the States of the people of the territory to legislate upon and control their own domestic and local policy. It must be borne in mind, that by the provisions of this bill the legislative authority of Oregon was vested in a Council and House of Representatives, to be chosen by the free white male citizens of the United States, and those who had declared on oath their intention to become such, above the age of twenty-one years, and who should at the passage of the act be resident in said Territory. At the next election in Oregon, the people were to vote directly to office should be prescribed by the Legislative Assembly. Then, and not before, were they to recognize in these people of the Territory, the right to exercise the highest attribute of sovereignty.

From the character of the population in California and New Mexico at the time being chiefly Mexicans and Indians, it was deemed inexpedient and impolitic to vest the legislative authority to be chosen by them in the inhabitants. But, until otherwise provided by Congress, it was proposed in the bill to be vested in the governor, the secretary, and the judges of the supreme court of the respective Territories, who were to be appointed by the President, by and with the consent of the Senate. With the legislative power thus proposed to be vested, it was fully competent and responsible to those over whom they were to exercise the important functions of legislation, it was wisely determined on to prohibit this Slavery or involuntary servitude, *excepting* the prohibition or establishment of African Slavery" in each of the proposed Territories of California and New Mexico. From the territorial courts, cases in which personal freedom was involved, could be carried by writ of error to the tribunals appeals from the territorial courts to the Supreme Court of the United States, in cases in which personal freedom was involved, consequently the whole question of the bill touching the question of Slavery. The bill passed the Senate [Aug. 14, 1848] after it was reported by Mr. Clayton, Messrs. Atchison, Benton, Berrien, Borland, Butler, Calhoun, Clayton, Davis of Mississippi, Downs, Dickinson, Hannegan, Jefferson Davis of Maryland, Johnson of Georgia, King, Lewis, Mangum, Mason, Rusk, Sebastian, Spruance, Turney, Westcott, and Yulee, Senators from the United States and Messrs. Atherton, Breese, Bright, Dickinson, Douglas, Dodge of Iowa, Felch, Hunter, Sturgeon—8 free States Senators voting for and passing it.

Messrs. Baldwin, Bell, Cameron, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dodge of Wisconsin, Greene, Miller, Phelps, Upham, Webster, and Winthrop—8 free States Senators voting against it.

The vote in the House of Representatives was taken by yeas and nays on the table, July 28, 1848, by yeas 112, nays 97—eight slave State votes and one hundred and four free State votes in the affirmative, and seventy-six slave State votes and twenty-one free State votes in the negative. The bill was finally defeated its passage—[vote against its rejection—regretted in this, because I believed it would prove a misfortune to the country, by producing sectional excitement, and leading to exciting sectional questions open to agitate and distract the whole country. I was for it, because it provided for the settlement of the then most difficult questions growing out of the territorial question and its connection with Slavery—not temporarily, but permanently and forever. I believed that the evil and its consequences resulting from a failure to pass that bill, I immediately declared in my place in this House.

The unexpected discovery of the rich and, from account, inexhaustible gold mines of California, stretching from the Sierra Nevada to the Pacific ocean country in unprecedentedly large numbers. The American population now in California, judging from what I know of the character of the people, and from the fact that emigra is not only unsurpassed, but is unequaled by any American population of the same number in any country of equal numbers on this or any other continent. This population could not long remain without government of some sort. Congress having failed to provide a government for the country, these people, with, if you please, the improper and unauthorized interference of the President, declared themselves a State, and proceeded to form a State government, and are now knocking at the door of the Union for admission into the United States. Shall she be admitted? is the grave and important question now before this Congress for its decision. Early in the present session, a committee was appointed by the Senate, composed of thirteen able and experienced statesman, selected equally from the two sections of the country, as well as from the two parties into which the people of the country is divided. This committee, thus constituted, has had confided to it the entire consideration of all sections and parties, with the exception, perhaps, of Mr. Foote, Soilers and Abolitionists All eyes were turned on this committee, anxiously looking for relief from all parties—all who loved their country better than themselves, could unite. They reported a bill providing for the admission of California into the Union, and territorial governments for Utah and New Mexico, and for the settlement of the boundary between the State of Texas and the United States territory of New Mexico.

This bill was hailed by many with joy. They looked to it as the means by which the slavery question might be adjusted, and fraternal feelings restored With some modifications which I specified on giving notice to this House, I gave the bill my support. I voted for it finally in a modified form at the proper time, in lieu of the bill offered by the committee from Wisconsin, [Mr. Dodge,] and then pending before the committee, for the admission of California, I was for the bill, and desired to see it passed, as it was reported by the Senate committee, as I think, in the house of those who should have been its friends. The omnibus having broken down, and the bill for the admission of California, as a free State, lying and in favor of pickup them up, and conveying them through their congressional journey, pretty much in the condition in which they were when first setting together in the omnibus. I will vote for the Utah territorial bill as it passed the Senate, if it comes to this House, because it is silent upon the subject of Slavery, that is non-intervention. I will vote for the bill proposing to establish the question of boundary with the State of Texas, as it passed the Senate; not because I think it is given her all or her half to which she is justly entitled, for I believe that as against this Government her title is "clear and indisputable" to the Rio Grande, from its mouth to its source, but because I believe the bill provides ample remuneration for all the territory or land which is proposed to be ceded by her to the United States; and in her present attitude, and the circumstances by which she is surrounded, I am rather inclined to the opinion that ten millions of dollars will be more acceptable, as we are surrounded in her hands, than all the land she may cede to us; and further, because I believe that Texas will retain unimpaired, as provided in the resolutions of annexation, the right to the whole of the United States of her territory, each one of which it is provided shall be admitted into the Union with or without Slavery, as those who may subsequently reside there.

I will also vote, when the opportunity shall be offered, for the New Mexico territorial bill, as it passed the Senate in the defeat of the compromise in the Senate, for the same reasons which induce me to support the Utah bill. These measures, I believe, will be the last which will be passed. I will then vote for the bill to admit California. Or I am willing to take them up and pass them in the order in which they were reported by the Senate [Aug. 3] would prefer that the State of California, as proposed to be made by her constitution, should be admitted, as the people there have chosen, the non-intervention principle, be organized for the southern portion thereof. Not that my opinion would be changed in relation to Slavery in California, but for my convictions are, that if two States shall be made out of California, instead of one, Slavery will be free States, and it will be better to have one than two free States. In this I am governed entirely by what I believe to be the wish of my constituents, and the southern people generally.

Under similar influences I am ready to vote for the Missouri compromise, and settle forever this question, and forever. At the same time declaring that, in my judgment, the Senate's defeated compromise is no longer binding upon the country, and that non-action and complete non intervention is better than half non-intervention and, Slavery prohibition, or half Slavery and half Freedom. But I am willing, after all, the Missouri compromise was nothing more nor less than non-intervention, and to do it, I will vote for the Missouri, and the Wilmot proviso north of that line, as will fully appear by reference to the eighth section of the bill for the admission of Utah, which is founded upon "principle of the Missouri Territory to the compromise" and State government, and for the admission of Arkansas, with the Missouri line, and in accordance with the original States, and to prohibit Slavery in certain territories," approved March 6, 1820. That section is in these words

"That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 deg 30 min. north latitude, not included within the limits of the State contemplated by this act, Slavery and involuntary servitude, otherwise than for the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited: Provided, always That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

There it is, every word and syllable, of the much talked of Missouri compromise. I have read, heard, and was intended at the time of its passage as a prohibition of Slavery north of the line of demarcation established by it. I so understood it, and so did the people of the South generally, now that I have, I think, fully shown that the Missouri compromise is, as before said, I am willing to vote for the latter, believing as I do, "from the lights before me," that it will be productive of the best results. The laws of California will not legislate Slavery into existence, and the moral sense of the people and their interests, as well as additional guarantees of the perpetuity of the Union.

I will not trespass upon the time and patience of the committee by adverting to the various bills which were proposed to be reenacted and continued to these people, and which I have not alluded to. Territorial legislation thereof, sewin the following words:—"There shall be neither Slavery nor involuntary servitude in said Territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted." This was a full, ample, and unequivocal recognition and affirmation of the principle of the right of the people of non-intervention on the part of Congress and the States of the people of the territory to legislate upon and control their own domestic and local policy. It must be borne in mind, that by the provisions of this bill the legislative authority of Oregon was vested in a Council and House of Representatives, to be chosen by the free white male citizens of the United States, and those who had declared on oath their intention to become such, above the age of twenty-one years, and who should at the passage of the act be resident in said Territory. At the next election in Oregon, the people were to vote directly to office should be prescribed by the Legislative Assembly. Then, and not before, were they to recognize in these people of the Territory, the right to exercise the highest attribute of sovereignty.

From the character of the population in California and New Mexico at the time being chiefly Mexicans and Indians, it was deemed inexpedient and impolitic to vest the legislative authority to be chosen by them in the inhabitants. But, until otherwise provided by Congress, it was proposed in the bill to be vested in the governor, the secretary, and the judges of the supreme court of the respective Territories, who were to be appointed by the President, by and with the consent of the Senate. With the legislative power thus proposed to be vested, it was fully competent and responsible to those over whom they were to exercise the important functions of legislation, it was wisely determined on to prohibit this Slavery or involuntary servitude, *excepting* the prohibition or establishment of African Slavery" in each of the proposed Territories of California and New Mexico. From the territorial courts, cases in which personal freedom was involved, consequently the whole question of Slavery, appeals from the territorial courts to the Supreme Court of the United States, in cases in which personal freedom was involved, consequently the whole question of the bill touching the question of Slavery. The bill passed the Senate [Aug. 14, 1848] after it was reported by Mr. Clayton, Messrs. Atchison, Benton, Berrien, Borland, Butler, Calhoun, Clayton, Davis of Mississippi, Downs, Dickinson, Hannegan, Jefferson Davis of Maryland, Johnson of Georgia, King, Lewis, Mangum, Mason, Rusk, Sebastian, Spruance, Turney, Westcott, and Yulee, Senators from the United States and Messrs. Atherton, Breese, Bright, Dickinson, Douglas, Dodge of Iowa, Felch, Hunter, Sturgeon—8 free States Senators voting for and passing it.

Messrs. Baldwin, Bell, Cameron, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dodge of Wisconsin, Greene, Miller, Phelps, Upham, Webster, and Winthrop—8 free States Senators voting against it.

The vote in the House of Representatives was taken by yeas and nays on the table, July 28, 1848, by yeas 112, nays 97—eight slave State votes and one hundred and four free State votes in the affirmative, and seventy-six slave State votes and twenty-one free State votes in the negative. The bill was finally defeated its passage—[vote against its rejection—regretted in this, because I believed it would prove a misfortune to the country, by producing sectional excitement, and leading to exciting sectional questions open to agitate and distract the whole country. I was for it, because it provided for the settlement of the then most difficult questions growing out of the territorial question and its connection with Slavery—not temporarily, but permanently and forever. I believed that the evil and its consequences resulting from a failure to pass that bill. I immediately declared in my place in this House.

The unexpected discovery of the rich and, from account, inexhaustible gold mines of California, stretching from the Sierra Nevada to the Pacific ocean country in unprecedentedly large numbers. The American population now in California, judging from what I know of the character of the people, and from the fact that emigra is not only unsurpassed, but is unequaled by any American population of the same number in any country of equal numbers on this or any other continent. This population could not long remain without government of some sort. Congress having failed to provide a government for the country, these people, with, if you please, the improper and unauthorized interference of the President, declared themselves a State, and proceeded to form a State government, and are now knocking at the door of the Union for admission into the United States. Shall she be admitted? is the grave and important question now before this Congress for its decision. Early in the present session, a committee was appointed by the Senate, composed of thirteen able and experienced statesman, selected equally from the two sections of the country, as well as from the two parties into which the people of the country is divided. This committee, thus constituted, has had confided to it the entire consideration of all sections and parties, with the exception, perhaps, of Mr. Foote, Soilers and Abolitionists All eyes were turned on this committee, anxiously looking for relief from all parties—all who loved their country better than themselves, could unite. They reported a bill providing for the admission of California into the Union, and territorial governments for Utah and New Mexico, and for the settlement of the boundary between the State of Texas and the United States territory of New Mexico.

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There it is, every word and syllable, of the much talked of Missouri compromise. I have read, heard, and was intended at the time of its passage as a prohibition of Slavery north of the line of demarcation established by it. I so understood it, and so did the people of the South generally, now that I have, I think, fully shown that the Missouri compromise is, as before said, I am willing to vote for the latter, believing as I do, "from the lights before me," that it will be productive of the best results. The laws of California will not legislate Slavery into existence, and the moral sense of the people and their interests, as well as additional guarantees of the perpetuity of the Union.

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National Anti-Slavery Standard.

Without Concealment.—Without Compromise.

NEW YORK, THURSDAY, AUGUST 29, 1850.

## THE HIGHER LAW.

The heresy that there is any law, of a higher origin and a controlling authority, contravening the Compromises of the Constitution has been at last duly exploded and pointedly recanted. The Grand Inquisitors of the Union have pronounced the Commission Service over it and threatened to deliver over to the secular arm all who refused. The threats had a due weight, for though the heretics valiantly maintained that the Constitution of the United States was not of itself above all that is called God, but that there was a Power above it; still they declared that they would submit to the decree in accordance with the will of the Supreme God and a due carrying out of its laws! The High Priests were content, as well they might be, with this concession. All they wanted was the recognition of the doctrine that Slavery is not to be touched by the Compromises. Conviction with our National Institutions is nothing disreputable to them. This they obtained, in the Senate, as fully as they desired, on the occasion of the Debate on Mr. Seward's motion to admit New Mexico, on the presentation of her Constitution, by the Proclamation of the President. And it was done in a very straightforward and business-like way.

Mr. Pratt, of Maryland, put the matter in a very plain and, as it seems to us, perfectly correct point of view. Commenting on a speech of Mr. Seward, in which he declared that there was a higher law than the Constitution, which he should obey in any case of conflict, he maintained that a man who entered the Senate by means of an oath to support the Constitution and who avowed his intention of not supporting it whenever it appeared to him to come in collision with a higher law, had no business there, and he accordingly intimated his intention of moving for the expulsion of Mr. Seward, or of any other Senator, who should avow such principles. Mr Seward, we are sorry to say, took a course which had very much the look of shuffling, and even John P. Hale talked more like a Mawworm than we had supposed his frank and courageous nature capable of doing. The whole debate will be found in our paper for the 15th instant. Mr. Seward denied having uttered the sentiment, for which he had been arraigned, and which had in many quarters at the North, and Mrs. P. Rice was appointed to raise a fund in 10 cent donations, and purchase a silver pitcher and two silver goblets to be presented to Mr. Chaplin.

In the afternoon of the first day Joseph C. Hathaway, who, it seems, has recently visited Mr. Chaplin at Washington, stated that he had some trouble to get through the house because he was from the North. Mr. C. says he never saw the slaves till the night they got into his carriage. He did not know that they were armed, nor was he armed himself. He admits, however, that he had made arrangements with friends for the abduction. He says he has done nothing but what he is willing to answer to his God."

Two Addresses were then adopted, one to the Slaves of the South from the fugitives at the North, and another to the Liberty Party.

The following is the Address of the Fugitive Slaves to their brethren in the South, and was first adopted in a meeting of the fugitive slaves present, and subsequently by the Convention:

Afflicted and Beloved Brethren: The meeting which sends you this letter is a meeting of Runaways from the South, and those that they who have suffered as you now suffer, and drank the bitter cup of bitterness from which you now drink, should come to-gether, and take counsel together as to you. The other object of the letter is to tell you how we fled from bondage, and in doing you can judge whether the prize we take part are poor. We can do little more for our brethren and churches at the North and Canada than to sympathize with you in your afflictions, and to advocate the abolition of Slavery by all means. Our children, we number here and in Canada with few exceptions, the fugitive slaves' friends and Freedom's opposites to this, saying no one was a friend of the fugitive slave who would not take him into his carriage and help him on his course, as Chaplin did.] We are poor. We can do little more for our deliverance than to pray to God for it. We will furnish you with pocket compasses, and in the dark nights you can run away. We cannot furnish you with weapons —some of us are not inclined to carry arms—but if you can get them, take them, and, before you go back into bondage, use them, if you are obliged to take life. The slaveholder would not hesitate to kill you rather than not take you back into bondage. Numerous as the escapes from Slavery are, they would be still more so were it not for the masters' protection of his rights of property. You even hesitate to take the chickens your masters have raised, and kill the fattest. Pork or provision and clothes, and either one or both will give force the lock and get his money and start. We hope to say to you that it is but a very few years at the rate of the escapes from Slavery, when the Free States will be as free as Canada, and the Slave States as free as Mexico, because he is a great man and your enemy; and he is looking to the Presidency, and the United States, he is to be your friend; but the next Presidency is to be for a New York State. There are three points to steer your conduct when you shall have left the house of bondage. 1st, Keep clear of the Churches that will not preach the abolition of Slavery from the pulpit. 2d, Take no political party, neither Whig, Democratic, Free Soil, nor any other, but support your children to write schools, for there are schools for colored children in the Free States, and let them train their backs to Pro-Slavery Churches and political parties. In closing we cannot forget you, Brethren, in your present sufferings, and our own rest but to say to you, as to be of good cheer and do not despair.

The following is an abstract of the Address to the Abolitionists of the North:

Brethren: You are to hold a Convention at Cazenovia, Madison County, New York, on the 20th September, at which office there have been several persons waited on by Gerrit Smith, Esq., of Peterboro', New York, and T. Julius Lansdale. Mr. Smith declines to run himself, but he will not say they will except. We therefore recommend to you

without much resistance. The town is now comparatively quiet.

☞ The election of Mr. Elliott of Boston to fill the seat vacated by Mr. Winthrop in the lower house for a chair in the Senate is hailed by the friends of the extension of Slavery as of good augury. *The Journal of Commerce* thus exults over it:

THE WHIG CANDIDATE FOR CONGRESS NOMINATED BY THE CITY OF BOSTON.—It is a fact worthy of notice, that SAMUEL A. ELLIOT, who headed the Boston letter of thanks to Mr. Webster for his patriotic course on the 7th of March, United States Senate, (which letter was alleged by the Free Soilers, at the time, to have been signed by only a small portion of the whole population), has been elected to Congress in the same city by *almost a unanimous* vote. He received 3238 votes out of 3240 cast, against 112 for Charles Sumner (Soil) and 318 for all other persons. In the House of Representatives we shall find a powerful champion, who will support the same liberal views which Mr. Webster did so ably in the Senate. The following circular, written by him in the month of June last, and addressed to the Massachusetts delegation in Congress, breathes a spirit so admirable, that we cannot resist the temptation to copy it:—

"GENTLEMEN:—The political state of the country, we think, justifies us in addressing you the expression of opinions and wishes of those of your constituents who feel that the nation is in a dangerous position. We see, on every side, an unprecedented excitement of feeling, unfavorable alike to wise counsels and friendly dispositions; and every one perceives that we shall experience an alarming deficiency of the spirit of conciliation and mutual concession, if the public sentiment does not soon consent to be settled without it. We desire to preserve, not to push political rights to an unwise extreme—prevent you from proposing measures which we think will tend to restore peace, prosperity, and kind feeling. We desire to be represented in Congress as men acting with forbearance and firmness. We trust, therefore, that you will give a ready support to those measures which will most speedily produce, and will longest maintain, the spirit of Union. Respectfully, &c."

☞ A WILMINGTON CORRESPONDENT of a morning paper gives the account of the escape of a colored coachman, whose whole family had been sold at Washington, and who was making an effort there to raise money enough for their repurchase The particular circumstances we stated two weeks since:

You will have noticed that the colored man who was the coachman not only of Gen. TAYLOR, but for his predecessor, Mr. POLK, lately had his wife, daughter and grandchildren sold to Georgia. He has been for years in this city to a negro dealer in Baltimore. The poor fellow was in great distress with despair, when his wife and children were borne from him, and still more so when he ascertained that Thirty-two hundred dollars was the amount required to purchase their release from captivity and restore them to him. With an energy I never saw equaled, he went to work among the members of Congress, and succeeded in raising fifteen hundred nearly all of whom knew him; and in the course of the week that he was thus employed in purchasing them at that rate, succeeded in raising twenty-eight hundred dollars of the amount. Although the gallant Col. BLISS was among the first to put down his original contributors, he unhesitatingly loaned the father and husband the remaining four hundred dollars, giving him a year to repay it in, and longer if it became necessary. The poor fellow has returned to this city with his recovered wife and children, the happiest man I most ever saw. They have each gone back to their old places of service, with hearts so overflowing with gratitude as to preclude their giving expression to their feelings

TO CORRESPONDENTS.

S. M. Two letters received.

## CONGRESSIONAL.

### U. S. SENATE—FUGITIVE SLAVE BILL

The past week has been signalized in the Senate of the U. S. by a debate on the Fugitive Slave Bill of Mr. Mason and of its passage, with some amendments, so far as its endorsement by a vote of 37 to 12. The Bill came up, according to previous notice, on Monday, when, as before the proceedings as far as they are reported, from day to day.

MONDAY, Aug. 19th.

Mr. MASON—I propose now to submit an amendment by striking a substitute for the whole bill, which embraces the amendment laid upon the table on the 31st January 1850, and giving to the bill the title of No. 76, and offered as a substitute for the bill. That amendment may probably have been read by Senators, and I will state what I have added to it in undertaking to amend the bill that was reported by the committee, and which have not been reported by the committee, designing to submit also an amendment proposed by the Committee of Thirteen, with an addition to it, modifying it, which I have also made.

Strike out all after the enacting clause, and insert the following:

That for the purpose of enabling the citizens of one State or Territory, or of the District of Columbia, to reclaim fugitives from service or labor, who may flee or already or may hereafter escape into some other State or Territory of the United States, as provided for by the third clause of the second section of the fourth article of the constitution of the United States, it is hereby made the duty of the judges of the several district courts of the United States, and of the judges of the supreme courts of the organized Territories, as soon as may be convenient after the passage of this act, and from time to time as the exercise of a sound discretion, from among the several persons who may for the time being hold office under the government of the United States, as commissioners, or of commissioners, not exceeding three, in each county within their respective districts and Territories of the United States, to appoint such commissioners to the end that they may be competent and sufficient to execute their duties faithfully and efficiently, in conformity with the constitution and laws of the United States, and of the acts, they are hereby authorized and required, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all warrants and other process required by this act to be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or posse comitatus of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they may be issued.

SEC. 2. *And be it further enacted*. That when a person held to service or labor in any State or Territory of the United States, has escaped, or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of Attorney, in writing, acknowledged and certified under the seal of some court, officer, or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges or commissioners aforesaid, of the proper circuit, district or county for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take legal depositions under the laws of the State or Territory from which such person owing the service or labor may have escaped, with a certificate of such magistracy or other authority as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or their agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which service or labor was due to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force or restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 4. *And be it further enacted*. That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall knowingly and willingly harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, to be recovered by action of debt, in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

SEC. 5. *And be it further enacted*. That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the fees which may be allowed to them for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of a fugitive to the claimant, his agent or attorney, or which cannot be performed by any other person readily available for a less compensation, they shall be paid such reasonable sums for their services, and expenses, as may be certified by the judge or commissioner before whom the hearing may take place, as shall be allowed and paid out of the treasury of the United States, or the Territorial treasury, on the same certificate and vouchers required in other cases. And the better to enable the said commissioners, when duly appointed, to execute the duties imposed upon them by this act, they are hereby authorized to appoint, in writing, under their hands, one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or posse comitatus of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they may be issued.

SEC. 3. *And be it further enacted*. That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of Attorney, in writing, acknowledged and certified under the seal of some court, officer, or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges or commissioners aforesaid, of the proper circuit, district or county for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take legal depositions under the laws of the State or Territory from which such person owing the service or labor may have escaped, with a certificate of such magistracy or other authority as aforesaid, with the seal of the proper court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force or restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 4. *And be it further enacted*. That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall knowingly and willingly rescue such fugitive from his, her, or their custody, while he, she, or they are transporting such fugitive to the State or Territory from which he escaped, and previous to his, her, or their arrival in the State or Territory for which he escaped, or shall aid, abet, or assist the person so escaping escaping from such claimant, his agent or attorney, when transporting such fugitive as aforesaid, or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, to be recovered by action of debt, in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

SEC. 6. *And be it further enacted*. That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the fees which may be allowed to them for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of a fugitive to the claimant, his agent or attorney, or which cannot be performed by any other person readily available for a less compensation, they shall be paid such reasonable sums for their services, and expenses, as may be certified by the judge or commissioner before whom the hearing may take place, as shall be allowed and paid out of the treasury of the United States, or the Territorial treasury, on the same certificate and vouchers required in other cases. And the better to enable the said commissioners, when duly appointed, to execute the duties imposed upon them by this act, they are hereby authorized to appoint, in writing, under their hands, one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or posse comitatus of the proper county, when necessary to insure a faithful observance of the clause of the constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they may be issued.

SEC. 7. *And be it further enacted*. That when a person held to service or labor in any State or Territory of the United States, has escaped, or shall hereafter escape from, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or before any judge thereof, in such court of the escape aforesaid, and that the person escaping owed service or labor to such party.—Such application shall be in writing, and verified by the oath of the applicant, and shall contain a description of the person so escaping, as far as known, and the name and residence of the person claiming the service or labor of such person, and the State or Territory from which such fugitive may have escaped as aforesaid. In such trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such fugitive to the State or Territory from which he escaped, and prevent all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 4. *And be it further enacted*. That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall knowingly and willingly

## Poetry.

From Wordsworth's New Poem, "The Prelude."
*Published in advance of the Press, by The Literary World.*

CHOICE OF A SUBJECT.

WHEN, as becomes a man who would prepare
For such an arduous work, I through myself
Make rigorous inquisition, the report
Is often cheering: for I neither seem
To lack that first great gift, the vital soul,
Nor general Truths, which are themselves a sort
Of Elements and Agents, Under-powers,
Subordinate helpers of the living mind:
Nor am I naked of external things,
Forms images, nor numerous other aids
Of less regard, though won perhaps with toil
And needful to build up a Poet's praise.
Time, place and manners do I seek, and these
Are found in plenteous store, but nowhere auch
As may be singled out with steady choice;
No little band of yet remembered names
Whom I, in perfect confidence, might hope
To summon back from lonesome banishment,
And make them dwellers in the hearts of men
Now living, or to live in future years.
Sometimes the ambitious Power of choice, mistaking
Proud spring-tide swellings for a regular sea,
Will settle on some British theme, some old
Romantic tale by Milton left unsung;
More often turning to some gentle place
Within the groves of Chivalry, I pipe
To shepherd swains, or seated harp in hand,
Amid reposing knights by a river side
Or fountain, listen to the grave reports
Of dire enchantments faced and overcome
By the strong mind, and tales of warlike feats,
Where spear encountered spear, and sword with sword
Fought, as if conscious of the blazonry
That the shield bore, so glorious was the strife;
Whence inspiration for a song that winds
Through ever changing scenes of votive quest
Wrongs to redress, harmonious tribute paid
To patient courage and unblemished truth,
To firm devotion, zeal unquenchable,
And Christian meekness hallowing faithful loves.
Sometimes, more sternly bared, I would relate
How quished Mithridates northward passed,
And, hidden in the cloud of years, became
Odin, the Father of a race by whom
Perished the Roman Empire: how the friends
And followers of Sertorius, out of Spain
Flying, found shelter in the Fortunate Isles,
And left their usages, their arts and laws,
To disappear by a slow gradual death,
To dwindle and to perish one by one,
Starved in those narrow bounds: but not the soul
Of Liberty, which fifteen hundred years
Survived, and, when the European came
With skill and power that might not be withstood,
Did, like a pestilence, maintain its hold,
And wasted down by glorious death that race
Of natural heroes: or I would record
How, in tyrannic times, some high-souled man,
Unnamed among the chronicles of kings,
Suffered in silence for Truth's sake: or tell
How that one Frenchman, through continued force
Of meditation on the human mind,
Of those who conquered first the Indian Isles,
Went single in his ministry across
The Ocean; not to comfort the oppressed,
But, like a thirty wind, to roam about
Withering the Oppressor: how Gustavus sought
Help at his need in Dalecarlia's mines:
How Wallace fought for Scotland; left the name
Of Wallace to be found, like a wild flower,
All over his dear Country: left the deeds
Of Wallace, like a family of Ghosts,
To people the steep rocks and river banks,
Her natural sanctuaries, with a local soul
Of independence and stern liberty.
Sometimes it suits me better to invent
A tale from my own heart, more near akin
To my own passions and habitual thoughts;
Some variegated story, in the main
Lofty, but the unsubstantial structure melts
Before the very sun that brightens it,
Mist into air dissolving! Then a wish,
My best and favorite aspiration, mounts
With yearning towards some philosophic song
Of Truth that cherishes our daily life;
With meditations passionate from deep
Recesses in man's heart, immortal verse
Thoughtfully fitted to the Orpheaan lyre;
But from this awful burden I fall back
Take refuge and bespeak myself with trust
That mellower years will bring a riper mind
And clearer insight.

THE BOY POET.

There was a Boy: ye knew him well; ye cliffs
And islands of Winander!—many a time
At evening, when the earliest stars began
To move along the edges of the hills,
Rising or setting, would he stand alone
Beneath the trees or by the glimmering lake,
And there, with fingers interwoven, both hands
Pressed closely palm to palm, and to his mouth
Uplifted, he, as through an instrument,
Blew mimic hootings to the silent owls,
That they might answer him; and they would shout
A cross the watery vale, and shout again,
Responsive to his call, with quivering peals,
And long halloos and screams, and echoes loud,
Redoubled and redoubled, concourse wild
Of jocund din; and, when a lengthened pause
Of silence came and baffled his best skill,
Then sometimes, in that silence while his hung
Listening, a gentle shock of mild surprise
Has carried far into his heart the voice
Of mountain torrents; or the visible scene
Would enter unawares into his mind,
With all its solemn imagery, its rocks,
Its woods, and that uncertain heaven, received
Into the bosom of the steady lake.

This Boy was taken from his mates, and died
In childhood, ere he was full twelve years old.
Fair is the spot, most beautiful to see,
Where he was born; the grassy churchyard hangs
Upon a slope above the village school,
And through that churchyard when my way has led
On summer evenings, I believe that there
A long half hour together I have stood
Mute, looking at the grave in which he lies!

THE PHANTOM RIDER.

Once in the stillness of a summer's noon,
While I was seated in a rocky cave
By the sea-side, pursuing, so it chanced,
Certain inventions of the brain of knight
Recorded by Cervantes, these same thoughts
Beset me, and to height unusual rose,
While listlessly I sate, and, having closed
The book, had turned my eyes towards the wide sea.
On poetry and geometry, and truth,
And their high privilege of lasting life,
From all internal injury exempt,
I mused, upon these chiefly: and at length,
My senses yielding to the sultry air,
Sleep seized me, and I passed into a dream.
I saw before me stretched a boundless plain
Of sandy wilderness, all black and void,
And as I looked around, distress and fear
Came creeping over me, when at my side,
Close at my side, an unearth shape appeared
Upon a dromedary, mounted high.
He seemed an Arab of the Bedouin tribes:
A lance he bore, and underneath one arm
A stone, and in the opposite hand a shell
Of a surpassing brightness. The sight
Much I rejoiced, not doubting but a guide
Was present, one who with unerring skill
Would through the desert lead me; and while yet
I looked and looked, self-questioned what this frightful
Which the new-comer carried through the waste
Could mean, the Arab told me that the stone
(To give it in the language of the dream)
Was "Euclid's Elements;" and "This," said he,
"Is something of more worth;" and at the word
Stretched forth the shell, so beautiful in shape.
In color so resplendent, with command
That I should hold it to my ear. I did so,
And heard that instant in an unknown tongue,
Which yet I understood well enough, the sounds,
A loud prophetic blast of harmony;
An Ode, in passion uttered, which foretold
Destruction to the children of the earth.
By deluge, now at hand. No sooner ceased
The song, than with a generous shout my dream
Changed suddenly: the desert lake became
That all would come to pass of which the voice
Had given forewarning, and that he himself
Was going then to bury these two books:
The one that had accompanied him, his friend,
His partner in the words and deeds of life.
Whereat, reviving with a calm look declared
Of high respect, I bowed my head in token
Assent, and mounted with him side by side.
Companion worthy of a theme like this!
Well might he wear those garments, not unseemly
For one whose rank in life was known and marked,
Like the first Brutus, for consummate skill
Gravity, discernment, inward light
And self-command: a stranger, seen perhaps
But once in centuries. Long time we rode
Over the sandy wilderness, and still
The Book was present to my mind, and still
Those words were ringing in my ears, when both
Alighted, and, dismounting from the Steed,
He with his Book and Shell, I with my Book
Advanced, he first unlocked the casket, then
Put on his head a wreath of glittering stars,
And with the Book in his left hand, and right
Pressed to his breast the Shell, bent over it
His head, and instantly a spirit breathed
Through the hollow concave, and I heard
A loud and lofty music, which perhaps
Essential harmonies, law paramount
Of infinite proportion, laws divine
Of Order and Good, may be discerned by Souls
Initiated and competent to receive
Such lofty secrets. Then with harder breath
Blown into it, he made the Shell to ring
Louder than ever, and I saw the stars
Dance round his head in circles, thicker sets
Of stars, and rounder circles; and amid
The dance, and shout, and music, he threw down
Book, Shell, and Stone, one after one, and all
Three sank, and vanished in the desert sands.
Then mounted we in silence as before,
And in my Dream I wept, for well I knew
What kind of spirit I had parted from.

## Miscellany.

WOMAN IN FRANCE *during the Eighteenth Century.* By Julia Kavanagh. Two vols. Smith and Elder. 1850.

The first of these volumes describes Parisian society from the death of Louis XIV. to the accession of the unfortunate Louis XVI.; in the second, the subject is continued through the painful period of the French Revolution. *Both periods* are painful to dwell upon; indeed, although the repeated recital of the horrors of the guillotine makes the heart sick, yet, relieved as these pages are, by numerous instances of virtuous fortitude and disinterested generosity on the part of the victims, they scarcely afford so disheartening a view of human nature as is exhibited by the retrospect of those scenes of heartless gaiety and laborious frivolity which disgraced the society of Versailles during the latter part of the century—the period of the Regency and of Louis XV. The history of the French revolution has been written again and again, but the present work is before the world becomes weary of the fearful existement of its awful lessons. It is not a subject well suited to a woman's pen; but to disentangle from the ravelled skein of history the names of the most distinguished women of France, to show how they were moulded by the time, and how they moulded others, and to describe the influence of such periods on the female character, this is a useful and not an unfitting task for an authoress to undertake; and it has been done by Miss Kavanagh with much ability and care.

The assiduousness with which the Parisian men of letters attended the parties of fashionable ladies who held what were termed "Bureaux d'Es-prit," properly suggests the inquiry whether these ladies were pre-eminent in ability. Miss Kavanagh thinks that the attractiveness of the drawing-room was chiefly owing to the want of a political arena.

> "Women owed this power to the want of political liberty. This want was not present to the preceding century: the wish for freedom had not increased. The salons over which they presided were the only places where what could not have been published without the approval of the Bastile might be spoken with comparative impunity. This is why the influence of woman can so clearly be traced through all the literature and history of the eighteenth century. That graceful brilliancy of style—the light frivolous mask, which concealed such destructive batteries—clearly belonged to her, and to that conversational power fostered beneath her care, under the name of *causerie*, so distinctive in itself, of the times and of the national character."—Vol. I. p. 18.

One of the most intellectual of these coteries was thus described by Marmontel, as quoted in the work before us:

> "I there saw assembled Montesquieu, Fontenelle, Mairan, Marivaux, Duclos, Helvetius, and others, whose all literary and scientific men; and in the midst of them a woman of singular talents and profound judgment, but who, with a simple and modest tone, prior, had more the look of the housekeeper than of the mistress. This was Madame de Tencin. . . . . I soon perceived that such guests came there ready to act his parts, and that the wish of shining often prevented conversation from following an easy and natural course. Every one seemed eager to seize as quickly as he could, as if flew by, the favorable moment of uttering his bon-mot and his anecdote—of ushering his maxim or his trail of light and brilliant wit: and this necessary *a propos* was often rather far-fetched."

This Madame de Tencin was an *ex-nun:* educated and compulsorily immured in a convent, she had first escaped from the restraint, and afterwards, by special dispensation, obtained release from her vows. She was the heartless mother of D'Alembert, the great mathematician.

It is easy to trace the influence of the empire of fashion over the literature of the time. Madame du Chatelet, the friend of Voltaire, instigated him to write his dictionary work, while she was herself "wrapped up in Algebra." There were, however, few women of learning.

> "The necessity under which men labored, of explaining to the women with whom they conversed, matters their ignorance prevented them from understanding, made them acquire a clearness and facility they often transferred to their writings. Hence that elevate polish, which is both the beauty and the defect of the French language, is to be attributed to female influence. Women rarely possessed much real information, and the wish of pleasing them introduces refinement and elegance. The assemblies over which they then presided, and which, afterwards, by a